

## INSURANCE DIVISION[191]

### Adopted and Filed

#### **Rule making related to licensing sanctions regarding student loan debt or related service obligations**

The Insurance Division hereby amends Chapter 50, “Regulation of Securities Offerings and Those Who Engage in the Securities Business,” Chapter 55, “Licensing of Public Adjusters,” and Chapter 100, “Sales of Cemetery Merchandise, Funeral Merchandise and Funeral Services,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code chapter 523A and 2019 Iowa Acts, Senate File 304.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, 2019 Iowa Acts, Senate File 304.

#### *Purpose and Summary*

During the 2019 Legislative Session, a change was made to the Iowa Code which resulted in the repeal of Iowa Code sections 261.121 through 261.127, effective July 1, 2019. These Iowa Code sections required the Division to take action against a person to whom it issued a license who was in default or was delinquent on repayment or a service obligation under federal or state postsecondary educational loans or private services-conditional postsecondary tuition assistance solely on the basis of such default or delinquency. This rule making implements this change by rescinding Division rules that implemented Iowa Code sections 261.121 through 261.127.

#### *Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 23, 2019, as **ARC 4713C**. No public comments were received. No changes from the Notice have been made.

#### *Adoption of Rule Making*

This rule making was adopted by Douglas Ommen, Iowa Insurance Commissioner, on December 3, 2019.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

The Division’s general waiver provisions of 191—Chapter 4 apply to these rules.

#### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or

group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on February 5, 2020.

The following rule-making actions are adopted:

ITEM 1. Rescind and reserve rule **191—50.53(261)**.

ITEM 2. Amend paragraph **55.9(5)“c”** as follows:

c. A licensed public adjuster shall report to the division all ~~college student aid commission or child support recovery unit~~ actions taken under or in connection with Iowa Code chapter ~~261 or 252J~~ and all court orders entered in such actions.

ITEM 3. Amend paragraph **55.12(1)“1”** as follows:

1. Failing to comply with an administrative or court order imposing a child support ~~or student loan~~ obligation, following procedures of rules 191—10.20(522B) and 191—10.21(522B), replacing the words “producer” with “public adjuster”;

ITEM 4. Amend subparagraph **100.10(3)“a”(2)** as follows:

(2) Failure to pay state debt, or child support ~~or student loan~~.

ITEM 5. Rescind and reserve subrule **100.17(6)**.

ITEM 6. Rescind and reserve paragraph **100.40(2)“k.”**

[Filed 12/3/19, effective 2/5/20]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/1/20.